

the comparatively civilised times when Bentham pleaded for milder punishments. It certainly was no corrective to the barbarity of the system to enable a felon to escape by taking Sanctuary. A practised thief or murderer premeditating a crime could calculate on the certainty of reaching some church before arrest, on the probability of breaking through the watch of the King's officers and so making his escape ; at the worst, his safety from the gallows was assured on the condition of carrying his trade to some other part of Christendom. Nothing more encouraged crime than this facility for escaping the law, and nothing could have more whetted the cruelty of the judges against the few victims whom they succeeded in securing. Bishop Brunton of Rochester, a wise and good man and a true social reformer, actually made it his complaint that too few people were executed. ' Tell me/ he says, ' why in England so many robberies remain unpunished, when in other countries murderers and thieves are commonly hanged. In England the land is inundated by homicides, so that the feet of men are swift to the shedding of blood.'<sup>1</sup>

It has been suggested that the right of Sanctuary was continued for so many centuries because it was found to be a useful means of getting criminals transported out of the country\* But it could have worked in this way only in cases of persons of sufficient position in England to be recognised wherever they reappeared. A man of noble family, guilty of crime, might prefer to stop abroad as a gentleman adventurer, rather than to walk *in* thievish ways in his own country, without name, property, or position. But the ordinary criminal of the lowest class, whom it is most necessary for society to supervise or to put down, was only \* moved on \* by this process to some other part of the island; for there was nothing to make him keep the oath of abjuration.<sup>2</sup> The enraged populace used sometimes to lynch these men as soon as they left the church and appeared on the high road with the cross and garb of the penitent.<sup>3</sup> The practice of Sanctuary survived not because it was popular or useful, but because it was an old-established custom in an age when reform was the

O, JB. B., 86 ; *Hot. Parl.*, hi. 62, sec. 35.

<sup>2</sup> Gross, 37.

\* *Ibid.* 9 ; *Stats, of Realm*, 9 E<L II. 10